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6 **UNITED STATES DISTRICT COURT,**
7 **DISTRICT OF ARIZONA**

8 Dennis Weible,) **Case No.:**
9 Plaintiff,)
10 v.) **COMPLAINT AND DEMAND FOR**
11 Nationwide Credit, Inc.,) **JURY TRIAL**
12 Defendant.)) **(Unlawful Debt Collection Practices)**
13

14 **PLAINTIFF'S COMPLAINT**

15 Dennis Weible (Plaintiff), through his attorneys, KROHN & MOSS, LTD., alleges the
16 following against Nationwide Credit, Inc. (Defendant):

17 **INTRODUCTION**

18 1. Count I of Plaintiff's Complaint is based on the Fair Debt Collection Practices Act, *15*
19 *U.S.C. 1692 et seq.* (FDCPA).

20 **JURISDICTION AND VENUE**

21 2. Jurisdiction of this court arises pursuant to *15 U.S.C. 1692k(d)*, which states that such
22 actions may be brought and heard before "any appropriate United States district court
23 without regard to the amount in controversy."

24 3. Defendant conducts business in the state of Arizona, and therefore, personal jurisdiction
is established.

25 4. Venue is proper pursuant to *28 U.S.C. 1331(b)(2)*.

PARTIES

5. Plaintiff is a natural person residing in Mesa, Maricopa County, Arizona.
6. Plaintiff is a consumer as that term is defined by *15 U.S.C. 1692a(3)*, and according to Defendant, Plaintiff allegedly owes a debt as that term is defined by *15 U.S.C. 1692a(5)*.
7. Defendant is a debt collector as that term is defined by *15 U.S.C. 1692a(6)*, and sought to collect a consumer debt from Plaintiff.
8. Defendant is a collection agency located in Kennesaw, Georgia and conducts business in Arizona.
9. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

FACTUAL ALLEGATIONS

10. Defendant is attempting to collect from Plaintiff on a debt owed.
11. On December 3, 2010, Defendant placed collection calls to Plaintiff at 10:14 a.m., 10:18 a.m., 11:51 a.m., 11:51 a.m., and 11:56 a.m. from 770-612-7070.
12. On December 3, 2010, Defendant left a voicemail message for Plaintiff that did not identify it was a debt collector. *See* transcribed voicemail attached as Exhibit “A.”
13. Further, Defendant’s message stated it had “called (Plaintiff’s) attorney” leaving Plaintiff to believe there was a pending legal matter. *See* Exhibit “A.”

COUNT I

14. Defendant violated the FDCPA based on the following:

- a. Defendant violated §1692d of the FDCPA by engaging in conduct the natural consequence of which is to harass, oppress or abuse Plaintiff in connection with the collection of Plaintiff's alleged debt.

- 1 b. Defendant violated §1692d(5) of the FDCPA by causing telephone to ring or
- 2 engaging Plaintiff in telephone conversation repeatedly or continuously with
- 3 intent to annoy, abuse or harass Plaintiff.
- 4 c. Defendant violated §1692e of the FDCPA by making false, deceptive, and
- 5 misleading representations in connection with the debt collection.
- 6 d. Defendant violated §1692e(5) of the FDCPA by threatening to take action that
- 7 cannot legally be taken or that is not intended to be taken.
- 8 e. Defendant violated §1692e(11) of the FDCPA by failing to disclose in its
- 9 voicemails to Plaintiff that the communication was from a debt collector and
- 10 anything said would be used for that purpose.

11 WHEREFORE, Plaintiff, Dennis Weible, respectfully requests judgment be entered
12 against Defendant, Nationwide Credit, Inc., for the following:

- 13 15. Statutory damages of \$1000.00 pursuant to the Fair Debt Collection Practices Act, *15*
14 *U.S.C. 1692k*,
- 15 16. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act,
16 *15 U.S.C. 1692k*
- 17 17. Any other relief that this Honorable Court deems appropriate.

18 **DEMAND FOR JURY TRIAL**

19 Plaintiff, Dennis Weible, demands a jury trial in this cause of action.

20 RESPECTFULLY SUBMITTED,

21 DATED: January 4, 2011

22 KROHN & MOSS, LTD.

23 By: /s/ Ryan Lee

24 Ryan Lee
25 Attorney for Plaintiff

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3 **VERIFICATION OF COMPLAINT AND CERTIFICATION**

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5 STATE OF ARIZONA

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7 Plaintiff, Dennis Weible, states as follows:

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10 1. I am the Plaintiff in this civil proceeding.

11 2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe

12 that all of the facts contained in it are true, to the best of my knowledge, information

13 and belief formed after reasonable inquiry.

14 3. I believe that this civil Complaint is well grounded in fact and warranted by existing

15 law or by a good faith argument for the extension, modification or reversal of existing

16 law.

17 4. I believe that this civil Complaint is not interposed for any improper purpose, such as

18 to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a

19 needless increase in the cost of litigation to any Defendant(s), named in the

20 Complaint.

21 5. I have filed this Complaint in good faith and solely for the purposes set forth in it.

22 6. Each and every exhibit I have provided to my attorneys which has been attached to

23 this Complaint is a true and correct copy of the original.

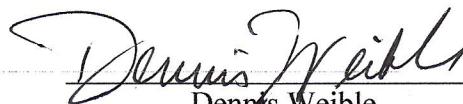
24 7. Except for clearly indicated redactions made by my attorneys where appropriate, I

25 have not altered, changed, modified or fabricated these exhibits, except that some of

the attached exhibits may contain some of my own handwritten notations.

Pursuant to 28 U.S.C. § 1746(2), I, Dennis Weible, hereby declare (or certify, verify
or state) under penalty of perjury that the foregoing is true and correct.

DATE: 12/27/10


Dennis Weible